April 8, 2013

Denny Kaemingk, Secretary
SD Department of Corrections
3200 East Highway 34
c/o 500 East Capitol
Pierre, SD 57501

Letter of Intent Regarding Legislation Approved in the 2013 Session

Dear Secretary Kaemingk:

This Letter of Intent sets forth a particular view held by the Joint Committee on Appropriations in approving your appropriation in the 2013 Legislative Session. As such, it supplements that appropriation with a specific policy guideline as approved on March 25, 2013.

While the guideline does not have the direct force of statutory law, it rests solidly on a long-standing tradition of Legislative-Executive relationships in South Dakota and it will be used by the Joint Committee as one basis for the fiscal oversight of your agency and its continued funding.

The 2013 South Dakota Legislature passed HB1185 which included authorization to spend funds collected in the LEOTF. The bill authorizes three agencies -- the Office of the Attorney General, the Unified Judicial System, and the Department of Corrections -- to spend from this fund. During the 2013 Legislative Session, all three agencies reported that the fund had a negative cash balance.

It is the intent of the Interim Joint Committee on Appropriations that the Office of the Attorney General, the Unified Judicial System, and the Department of Corrections cooperatively develop a solution to the over-expenditure of this fund. Furthermore, if the Governor's FY15 recommended budget does not fully address the deficit and provide a fiscally sound plan for the future, the three agencies shall collectively offer alternative plans for JCA consideration at the Interim Appropriations Committee meeting in December 2013. At least one alternative must be void of any increases to fees or fines.

In addition, it is also expected that you will be prepared to address this guideline in your FY15 budget presentation to the Joint Committee next January.

Thank you for your cooperation.

Representative Fred Romkema
Co-Chair, Interim Joint Appropriations

Senator Deb Peters
Co-Chair, Interim Joint Appropriations

cc: Marty Guindon, Auditor General
Jason Dilges, Commissioner, Bureau of Finance and Management